

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NUMBER:

19-md-02875-RBK-JS

**IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION**

**TELEPHONIC STATUS and
DISCOVERY CONFERENCE
WITH RULINGS ON PLAINTIFFS'
CUSTODIAN LISTS AND
DOCUMENT REQUESTS**

Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101
December 18, 2019
Commencing at 11:07 a.m.

B E F O R E:

**THE HONORABLE JOEL SCHNEIDER,
UNITED STATES MAGISTRATE JUDGE**

A P P E A R A N C E S (via telephone):

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For the Plaintiff

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1 interest. There is tremendous public interest in this case.
2 It has enormous public health consequences -- whether a very
3 popular drug supplied in the United States was contaminated or
4 not. Given the public interest and the health and welfare
5 implications, when it comes to evaluating the burden to the
6 defendant in the case, the Court has to take that into
7 consideration. It's not just a simple matter of dollars and
8 cents, but on this particular issue, it really isn't a dollar
9 and cents issue as far as the Court's concerned.

10 The Court's main concern is, again, whether or not,
11 if we add this person to a pretty hefty custodian list, it's
12 likely or probable that we're going to find something that is
13 not otherwise going to be produced. I don't think that's the
14 case. I could be proven wrong in the future. If there is
15 evidence in that regard, so be it.

16 But in terms of a custodian search for documents, the
17 Court sustains Mr. Goldberg's objections and will remove
18 Mr. Chen from the list, and will approve the list absent his
19 name.

20 I'll make it clear. The Court is not ruling at this
21 time whether or not Mr. Chen is an appropriate deponent.
22 That's a completely different evaluation that the Court has to
23 consider at the relevant time. If defendant wants to depose
24 Mr. Chen, we'll deal with the issue at that point. But in no
25 way, shape, or form should the Court's ruling as to whether or

1 not Mr. Chen is an appropriate custodian be deemed as a ruling
2 as to whether or not he may be deposed in the case.

3 So that's the Court's ruling as to Mr. Chen. I'm
4 going to approve Exhibit B with the removal of his name from
5 the list.

6 MR. SLATER: Your Honor, we need to substitute
7 somebody for him.

8 THE COURT: Do you have a name?

9 MR. SLATER: I would need a couple hours or an hour
10 or two just so I can talk to somebody, to some people, and
11 just figure out who to substitute.

12 THE COURT: Okay. Could you e-mail me that name,
13 Mr. Slater, and I'll add it to Exhibit B, so I can enter this
14 order?

15 MR. SLATER: Of course.

16 THE COURT: Thank you.

17 All right. Is the only issue left the issues
18 regarding the document requests?

19 MR. SLATER: Your Honor --

20 MR. RUBENSTEIN: Your Honor, very quickly, this is --
21 sorry. This is Brian Rubenstein for the Teva defendants.

22 There is no objections with respect to Exhibit D, the
23 list of Teva custodians, but there were just a few names that
24 were misspelled, so we can submit a revised list with the
25 proper spellings of those few names.